

Memorandum



Date: November 20, 2013

Special Item No. 2

To: Honorable Chairwoman Rebeca Sosa
And Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, likely belonging to Carlos A. Gimenez, the Mayor.

Subject: Resolution and Public Hearing for the Transmittal to the State and Regional Agencies of the May 2013 Cycle Applications to Amend the Comprehensive Development Master Plan

Recommendation

It is recommended that the Board of County Commissioners (Board) take action on the attached resolution (Special Item No. 2) at the conclusion of the public hearing on the May 2013 Cycle Applications to amend the Comprehensive Development Master Plan (CDMP) scheduled for November 2013 in the Commission Chamber. This resolution provides for the transmittal of applications filed in the May 2013 CDMP Amendment Cycle, to the State Land Planning Agency and other state and regional agencies (reviewing agencies) for review and comment pursuant to Section 163.3184, Florida Statutes.

Scope

The CDMP is a broad-based countywide policy-planning document created to guide future growth and development, to ensure the adequate provision of public facilities and services for existing and future populations in Miami-Dade County, and to maintain or improve the quality of the natural and man-made environment in the County. While the adopted text of the CDMP generally applies countywide, some text amendment applications and individual, site-specific Land Use Plan map amendment applications may have localized impact on one or more Commission Districts. Such as Application Nos. 1, 4 and 5, which are located within Commissioner Diaz's District 12; Application Nos. 2 and 3 (a covenant modification request/CDMP text amendment), which are located within Commissioner Souto's District 10; and Application No. 7, which is located within Commissioner Moss's District 9. Application No. 6 was lawfully withdrawn by the applicant by letter received by the Department of Regulatory and Economic Resources (Department) on October 15, 2013.

Fiscal Impact

Fiscal impact means the cost to the County of implementing the activities or actions that would be incurred after approval of the ordinance. Ordinance No. 94-238 requires a statement of fiscal impact on all activities and actions resulting from approval of an ordinance. In addition, Ordinance No. 01-163 requires the review procedures for amendments to the CDMP to include, for any proposed land use change, a written evaluation of the estimated incremental and cumulative impact to Miami-Dade County for bringing such public infrastructure to the area, as well as, annual operating costs. Also, in accordance with Resolution No. 530-10, County departments are required to include detailed financial costs and budgetary impact analysis for items that have a fiscal impact to the County. Information on the fiscal impacts from the referenced small-scale CDMP amendment applications are contained in the document titled,

"Initial Recommendations May 2013 Applications To Amend The Comprehensive Development Master Plan," dated September 13, 2013.

Fiscal impacts from approved CDMP Land Use Plan map amendment applications vary depending on the type of request and location. For example, proposals involving non-residential developments have less impact on public infrastructure and services than proposals involving residential developments. According to Miami-Dade Water and Sewer Department (WASD), if the site subject to Application No. 1 is developed with 850,000 square feet of retail, in accordance with the proffered Declaration of Restrictions (covenant), the annual operating and maintenance cost for water and sewer services is estimated at \$85,976 (the covenant allows for a minimum 4.5 acre water park for which additional information is required from the applicant in order for its impacts to be appropriately evaluated). If the site subject to Application No. 2 is developed with 40,075 square feet of retail (maximum retail development allowed under the requested CDMP land use designation of "Business and Office"), the annual operating and maintenance cost for water and sewer services is estimated at \$4,054; applicant proffered a covenant prohibiting residential development on the application site. For Application No. 3, if the application is approved and the application site is developed with 375,000 square feet of retail and 200 multi-family dwelling units, maximum development that would be allowed in accordance with the proffered covenant, the annual operating and maintenance cost for water and sewer services is estimated at \$68,276. If Application No. 4 is approved and the application site is developed with 100,000 square feet of retail, in accordance the proffered covenant, the annual operating and maintenance cost for water and sewer services is estimated at \$10,115. If Application No. 5 is approved and the application site is developed with 113,700 square feet of retail, in accordance with the proffered covenant, the annual operating and maintenance cost for water and sewer services is estimated at \$11,501. If Application No. 7 is approved, in accordance with the proffered covenant and the application site is developed with 272 multi-family dwelling units, the annual operating and maintenance cost for water and sewer services is estimated at \$41,269.

Track Record/Monitor

Amendments to the CDMP do not involve contracts so a Track Record/Monitor is not applicable.

Background

Seven applications (Application Nos. 1, 2, 3, 4, 5, 6 and 7) were filed during the May 2013 CDMP Amendment Cycle. Application No. 6 was a Land Use Plan map amendment request, but was legally withdrawn by the applicant by letter received by the Department on October 15, 2013. Of the six remaining applications, Application Nos. 1, 2, 4, 5 and 7 request amendments to the CDMP Adopted 2015 and 2025 Land Use Plan map, and Application No. 3 requests amendment to an existing covenant in the CDMP Land Use Element text. The attached resolution provides for transmittal to the reviewing agencies of the referenced CDMP amendment applications.

It is anticipated that the reviewing agencies will issue their comments by January 2014 addressing all transmitted applications. Preceding the final hearing by the Board, the Department will respond to any reviewing agency objections and may issue final recommendations on the pending May 2013 Cycle Applications. The Board will conduct a final public hearing on the pending applications in February/March 2014.

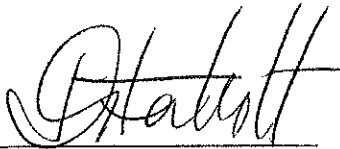
Community Councils and Local Planning Agency Recommendations

The recommendations of affected community councils and of the Planning Advisory Board, acting as the Local Planning Agency, on the May 2013 Cycle Applications are contained in their respective resolutions.

Resolution Format

As provided in the County Code, transmittal instructions are to be issued by Resolution. Section 1 of the attached resolution contains spaces where the Board's adopted transmittal instructions will be entered for each individual application to amend the CDMP. Transmittal instructions shall be "Transmit" or "Do Not Transmit." Transmittal does not constitute adoption of an application; however, denial of transmittal in effect denies any further consideration of an application during this May 2013 Cycle of Amendments. To transmit any application, County Code requires the affirmative vote of a majority (7) of the County Commissioners in office. Section 2 of the Resolution requests the reviewing agencies to review and comment on all transmitted applications, before the Board conducts its next public hearing to take final action on the pending applications. On Section 3, the Board reserves its right to take final action without prejudice at a later date to adopt, adopt with changes, or not adopt any and all pending May 2013 Cycle Applications and proposals following receipt of comments from the reviewing agencies. In Section 4, the Board declares its intention to conduct and advertise one or more public hearings in 2014 to address the pending May 2013 Cycle Applications to amend the CDMP.

After the Board adopts its entries to Section 1 of the Resolution, it must take a final vote to adopt the Resolution in its entirety, incorporating the foregoing entries.



Jack Osterholt
Deputy Mayor




MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 20, 2013

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Special Item No. 2

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Special Item No. 2
11-20-13

RESOLUTION NO. _____

RESOLUTION PERTAINING TO MAY 2013 CYCLE APPLICATIONS REQUESTING AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT MASTER PLAN; INSTRUCTING THE MAYOR WHETHER OR NOT TO TRANSMIT APPLICATIONS TO THE STATE LAND PLANNING AGENCY; REQUESTING STATE LAND PLANNING AGENCY TO REVIEW APPLICATIONS; RESERVING THE RIGHT TO TAKE FINAL ACTION AT A LATER DATE; AND DECLARING INTENT TO CONDUCT ONE OR MORE SUBSEQUENT PUBLIC HEARINGS

WHEREAS, pursuant to Section 163, Part 2, Florida Statutes, the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade Board of County Commissioners (Board) in 1988; and

WHEREAS, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP, which comply with the requirements of the foregoing State Statutes; and

WHEREAS, seven (7) CDMP Land Use Plan map amendments (Application Nos. 1, 2, 3, 4, 5, 6 and 7), were filed by private parties on or before May 31, 2013, and are contained in the document titled "May 2013 Applications to Amend the Comprehensive Development Master Plan," dated June 21, 2013; and

WHEREAS, of the seven (7) applications, six (6) are Land Use Plan map amendments (Application Nos. 1, 2, 4, 5, 6 and 7) and one (1) is a CDMP Declaration of Restrictions amendment (Application No. 3); and

WHEREAS, Miami-Dade County's procedures provide for the expedited processing of small-scale amendments as defined in section 163.3187, Florida Statutes; and

WHEREAS, two (2) Land Use Plan map amendments (Application Nos. 2 and 5) are eligible and have requested expedited adoption as small-scale CDMP amendments; and

WHEREAS, the eligible applications requesting processing as small-scale amendments may be transmitted as standard amendments to the State Land Planning Agency and other state and regional agencies (reviewing agencies) for review and comments prior to subsequent final action by the Board; and

WHEREAS, the Department of Regulatory and Economic Resources (Department) issued its initial recommendations addressing the May 2013 Cycle Applications in a report titled "Initial Recommendations May 2013 Applications to Amend the Comprehensive Development Master Plan", dated September 13, 2013, as required by Section 2-116.1, Code of Miami-Dade County, and may issue final recommendations on transmitted applications prior to final action by the Board; and

WHEREAS, affected Community Councils have conducted optional public hearings pursuant to Section 2-116.1(3)(e), Code of Miami-Dade County, to address applications to amend the CDMP that would directly impact their respective council areas and issued recommendations to the Planning Advisory Board and the Board; and

WHEREAS, Application No. 6 was lawfully withdrawn by the applicant by letter received by the Department on October 15, 2013, pursuant to Section 2-116.1(3)(b) of the Code of Miami-Dade County, Florida; and

WHEREAS, the Planning Advisory Board, acting as the Local Planning Agency, conducted a duly noticed public hearing on October 21, 2013, to address the May 2013 Cycle Applications, the recommendations of the Department and the affected community councils, to formulate recommendations regarding the adoption of the May 2013 Cycle Applications, and to

address the transmittal of standard May 2013 Cycle Applications to the reviewing agencies pursuant to Section 163.3184, Florida Statutes, for review and comment; and

WHEREAS, at its October 21, 2013, public hearing, the Planning Advisory Board, acting as the Local Planning Agency, made recommendations to the Board regarding adoption of eligible small-scale amendment Application Nos. 2 and 5, transmittal of standard amendment Application Nos. 1, 3, 4 and 7, and regarding subsequent final action by the Board on the transmitted applications; and

WHEREAS, all existing lawful uses and zoning in effect prior to an amendment to the CDMP are deemed to remain consistent with this Plan as amended unless the Board, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning activity or study addressing the criteria set forth in this Plan; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board desires to further evaluate, without prejudice, those applications filed for review and action during the May 2013 CDMP Amendment Cycle that are hereby transmitted. ,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The Board, having considered the following applications requesting amendments to the CDMP, hereby directs the Mayor to act in accordance with the transmittal instructions set forth in this section for such applications. For any such application where the instruction is to transmit, pursuant to Section 2-116.1(3)(g), Miami-Dade County Code, the Board directs the Mayor to transmit the application to the reviewing agencies along with all other materials pursuant to Section 163.3184, Florida Statutes.

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Transmittal Instruction and/or Recommended Action
1	<p>Turnberry/Doral Development, Limited Partnership, LLC/Jeffrey Berrow, Esq. and Michael J. Marrero, Esq.</p> <p>Northwest and southwest corners of NW 41 Street and the Homestead Extension of the Florida Turnpike (HEFT) (±96.79 Gross; ±81.31 Net)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none">1. Expand the Urban Development Boundary (UDB) to include the application site.2. Redesignate the application site on the Land Use Plan map From: "Open Land" To: "Business and Office"3. Revise the CDMP Land Use Element Policy LU-8G (i) text to exempt the application area from the areas that shall not be considered for addition to the UDB, after demonstrating that a need exists in accordance to the Policy LU-8F.4. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Board.5. On September 11, 2013, the Applicant submitted an additional request to Amend Policy CON-3E in the CDMP Conservation, Aquifer Recharge and Drainage Element to allow for urban land uses on the site. <p>Standard Amendment</p>	

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Transmittal Instruction and/or Recommended Action
2	<p>OROT Flagler, LLC/Juan J. Mayol, Jr., Esq. and Tracy R. Slavens, Esq.</p> <p>Southwest corner of the intersection of West Flagler Street and SW 92 Avenue (±3.3 Gross; ±2.3 Net)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none"> Redesignate application site on the Land Use Plan map: From: "Office/Residential" To: "Business and Office" Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Board. <p>Small-Scale Amendment</p>	
3	<p>Fontainebleau Place, LLC/Juan J. Mayol, Jr., Esq., Richard A. Perez, Esq. and Tracy R. Slavens, Esq.</p> <p>Northeast corner of the intersection of West Flagler Street and NW 102 Avenue ±41.0 Gross; ±39.0 Net)</p> <p><u>Requested CDMP Amendment</u></p> <p>Modify existing Declaration of Restrictions (April 2008 Cycle Application No. 9) in the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to replace the commitment to develop a minimum of 150 "elderly housing" units with a provision allowing the development on the subject property of "no less than 150 and no more than 200 dwelling units designated for elderly housing"; or "no less than 125 and no more than 150 dwelling units designated for student housing"; or "no less than 150 and no more than 175 conventional multi-family dwelling units."</p> <p>Standard Amendment</p>	

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Transmittal Instruction and/or Recommended Action
4	<p>Master Development, Inc./Tracy R. Slavens, Esq. and Hugo P. Arza, Esq.</p> <p>Southwest corner of the intersection of NW 6 Street and NW 137 Avenue (±11.49 Gross; ±9.92 Net)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none"> 1. Redesignate application site on the Land Use Plan map: From: "Industrial and Office" To: "Business and Office" 2. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Board. <p>Standard Amendment</p>	
5	<p>Master Development, Inc./Tracy R. Slavens, Esq. and Hugo P. Arza, Esq.</p> <p>Northwest corner of the intersection of theoretical SW 2 Street and SW 137 Avenue (±9.84 Gross; ±9.1 Net)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none"> 1. Redesignate application site on the Land Use Plan map: From: "Industrial and Office" To: "Business and Office" 2. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Board. <p>Small-Scale Amendment</p>	
6	<p>Master Development, Inc./Jeffrey Bercow, Esq. and Monika Entin, Esq.</p> <p>Northwest corner of the intersection of theoretical SW 143 Street and SW 137 Avenue (±16.18 Gross; ±13.7 Net)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none"> 1. Redesignate application site on the Land Use Plan map: From: "Industrial and Office" To: "Business and Office" 2. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the Proffered Declaration of Restrictions if accepted by the Board. <p>Standard Amendment</p>	

Application Number	Applicant/Representative Location and Size Requested Amendments to the CDMP Land Use Plan Map or Text	Transmittal Instruction and/or Recommended Action
7	<p>137 Holdings, LLC/Graham Penn, Esq. and Melissa Tapanes Llahues, Esq.</p> <p>Southwest corner of the intersection of SW 137 Avenue and SW 168 Street (±12.0 Gross; ±10.7 Net)</p> <p><u>Requested CDMP Amendment</u></p> <ol style="list-style-type: none"> 1. Redesignate Parcel B of the application on site on the Land Use Plan map: From: "Low-Medium Density Residential (6 -13 dwelling units per gross acre)" and "Business and Office" To: "Medium Density Residential (13 to 25 dwelling units per gross acre)" 2. Release and delete the Declaration of Restrictions recorded in Book 22345 Pages 1710 to 1725 of the County Official records; and 3. Revise the Restrictions Table on Page I-74.1 of the CDMP Land Use Element to include the new Proffered Declaration of Restrictions, if accepted by the Board. <p>Standard Amendment</p>	

Section 2. The Board hereby requests the reviewing agencies to review all transmitted applications pursuant to Section 163.3184(3), Florida Statutes.

Section 3. The Board hereby reserves its right to take final action without prejudice at a later date to adopt, adopt with changes, or not adopt any and all pending applications and proposals following receipt of comments by the reviewing agencies, and following one or more public hearings by this Board, all as authorized by Section 163.3184, Florida Statutes, and Section 2-116.1, Code of Miami-Dade County, Florida.

Section 4. The Board declares its intention to advertise and conduct one or more public hearings in year 2014 to address the pending May 2013 Cycle Applications to amend the CDMP.

The foregoing resolution was offered by Commissioner
who moved its adoption. The motion was seconded by Commissioner
and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this
20th day of November, 2013. This resolution shall become effective ten (10) days after
the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective
only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.
Craig H. Collier

